

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

JOHN P. JOHNSON,

Plaintiff,

v.

PORTFOLIO RECOVERY
ASSOCIATES, LLC,

Defendant.

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5:15-CV-024 RP

ORDER

Before the Court is Plaintiff's Motion to Dismiss TCPA Claims Against Defendant Portfolio Recovery, LLC, filed October 5, 2014 (Dkt. 43). By way of the motion, Plaintiff moves the Court to dismiss the Telephone Consumer Protection Act ("TCPA") claims (Counts XIII and XIV) from his amended complaint.

Under the Local Rules, a response to a dispositive motion shall be filed no later than fourteen days after the filing of the motion. Local Rule CV-7(e)(2). More than fourteen days have passed since the filing of the motion and Defendant has yet to file a response. However, Defendant did file a Motion to Reconsider Order on Plaintiff's Amended Motion to Compel (Dkt. 45). In that motion, Defendant asked the United State Magistrate Judge to reconsider his discovery order in light of the fact that "Plaintiff has abandoned his TCPA claims." (Def.'s Mot. Recons. Order 3, Dkt. 45). Accordingly, the Court understands Plaintiff's Motion to Dismiss TCPA Claims to be unopposed.

The Court believes it is appropriate to allow Plaintiff to voluntarily dismiss the TCPA claims. However, the Court admonishes Plaintiff that in light of the scheduling order in effect in this case, no further amendments to the pleadings will be allowed.

Plaintiff's Motion to Dismiss TCPA Claims Against Defendant Portfolio Recovery, LLC, filed October 5, 2014 (Dkt. 43), is hereby **GRANTED**. Plaintiff is directed to file an amended complaint, reflecting the dismissal of the TCPA claims, **on or before October 30, 2015.**

SIGNED on October 27, 2015.

A handwritten signature in blue ink, appearing to read "Robert Pitman", is written above a horizontal line.

ROBERT PITMAN
UNITED STATES DISTRICT JUDGE